

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 1, Chama Mainstream

Subfile No. 529

MOTION FOR SUBSTITUTION OF PARTIES

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and pursuant to Fed. R. Civ. P. 25(a)(1) moves the Court to issue its order substituting DELVIN L. GARCIA and SARAH L. GARCIA for defendant CLEOFAS ESQUIBEL in these proceedings with respect to the water rights under Subfile 529 in the Chama Mainstream Section, and as grounds states the following:

1. The subfile order entered on March 10, 1971 (Doc. No. 1670) (Subfile 529, Tract 4.52)

in connection with defendant Cleofas Esquibel did not include a priority date for the water rights described in the order, water rights under the Acequia de Esquibel (a/k/a Esquibel Ditch). The Acequia de Esquibel is a private ditch, and there are no other water rights associated with that ditch.

2. Delvin L. Garcia and Sarah L. Garcia are the current owners of Tract 4.52 described in the subfile order entered on March 10, 1971 in connection with defendant Cleofas Esquibel.

3. The State of New Mexico and Delvin L. Garcia and Sarah L. Garcia wish to enter into a stipulation on the priority date (1734) of the irrigation water rights appurtenant to Tract 4.52 in order to complete the description of the elements of those rights.

WHEREFORE the State of New Mexico requests the Court to enter its order substituting Delvin L. Garcia and Sarah L. Garcia for defendant Cleofas Esquibel in these proceedings.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of December, 2007 I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Delvin L. Garcia
Sarah L. Garcia
P.O. Box 701
Abiquiu, NM 87510

/s/ Ed Newville
EDWARD G. NEWVILLE